

MINUTES
YORK COUNTY PLANNING COMMISSION

Regular Meeting
York Hall, 301 Main Street
December 14, 2005

MEMBERS

Christopher A. Abel
Nicholas F. Barba
Anne C. H. Conner
John R. Davis
Alexander T. Hamilton
Alfred E. Ptasznik, Jr.
John W. Staton

CALL TO ORDER

Chair Alfred Ptasznik called the meeting to order at 7:00 PM.

ROLL CALL

The roll was called and all members were present. Staff members present were J. Mark Carter, Timothy C. Cross, Amy Parker, Earl Anderson, and James E. Barnett, Jr.

REMARKS

Chair Ptasznik stated that the Code of Virginia requires local governments to have a Planning Commission, the purpose of which is to advise the Board of Supervisors on land use and planning issues affecting the County. The responsibility is exercised through recommendations conveyed by resolutions or other official means and all are matters of public record. He indicated that the Commission is comprised of citizen volunteers, appointed by the Board, representing each voting district and two at-large members.

APPROVAL OF MINUTES

Mr. Hamilton moved to adopt the minutes of the regular meeting of November 9, 2005 and they were adopted unanimously.

CITIZEN COMMENTS

There were no citizen comments.

PUBLIC HEARINGS

Application No. UP-688-05, SprintCom, Inc.: Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 17, No. 7) of the York County Zoning Ordinance, to authorize a 137-foot self-supporting communications tower with associated ground-mounted equipment located on a portion of the property located

at 300 Dare Road (Route 621) and further identified as Assessor's Parcel No. 30-2. The 15-acre property is located on the north side of Dare Road, approximately 1,500 feet east of its intersection with George Washington Memorial Highway (Route 17). The property is zoned RC (Resource Conservation) and is designated for Medium-Density Residential development in the Comprehensive Plan.

Earl Anderson, AICP, Planner, presented a summary of the report prepared for the Planning Commission, dated December 6, 2005, in which the staff recommended approval.

Mr. Ptasznik asked about insurance protection provided for Musco service representatives in the event of a needed light replacement, and **Mr. Anderson** assured him the County's risk or coverage would not be affected by the pole's replacement.

Mr. Hamilton inquired about options for co-location that are offered to representatives of the telecommunications providers that want to locate in the County. **Mr. Anderson** explained that the staff works with **Mr. Terry Hall**, Emergency Communications Coordinator in the Department of Fire and Life Safety, who helps to identify co-location opportunities for all applicants. The applicants are advised the County prefers co-locating whenever possible. Staff identifies other possible sites when co-locating is not feasible. He added that SprintCom considered three other sites that failed to meet their needs.

Mr. Staton asked if the School Division approved this proposal; **Mr. Anderson** said it did.

Mr. Abel expressed concern about safety of the elementary school students using the playground and ball field. **Mr. Anderson** explained the layout of the tower structures in relation to the ball field and school grounds. He stated that the proposed resolution includes a condition stipulating the tower be surrounded by a chain link fence and the entire equipment shelter covered with netting to prevent balls from going into the facility. **Mr. Carter** added the same precautions are in place at the communications tower at Waller Mill Elementary School, and added that the covered area is slanted to ensure that balls roll off thereby eliminating any need for retrieval.

Chair Ptasznik opened the public hearing.

Mr. Curtis McMillan, 4804 Mason Dale Drive, Richmond, VA, represented the applicant. **Mr. McMillan** said he had worked closely with County and School Division staff. The proposal complies with all County and Federal Communications Commission regulations. The applicant is seeking to satisfy customer demand for its cellular communications on Route 17, and the site selected would meet that need. He introduced **Mr. Richard Hixson**, York County School Division.

Mr. Staton asked Mr. Hixson about liability insurance coverage for the School Board.

Mr. Richard Hixson, Deputy Superintendent for Operations, York County School Division, explained that County schools have been dealing with towers since 1989 and continue to carry full liability coverage. **Mr. Abel** asked if there had been a liability issue since 1989; **Mr. Hixson** answered there had not.

Mr. Barba wondered if the proposed tower siting would be a problem in the event the school expanded in the future. **Mr. Hixson** said the School Board plans to erect a 10-classroom wing on the Dare campus and as a result all contingencies were anticipated and provided for in the proposal. That particular contingency had been discussed with the SprintCom representatives last spring.

Mr. Hamilton asked about the range of coverage. **Mr. McMillan** said the proposed tower would allow coverage in a four-to-five-mile outward radius to connect with the Sprint tower at Wendy's on Route 17 and another to the north, at Victory Industrial Park.

Mr. Larry Wilson, Peninsula Hardwood Mulch, residing at 7589 Spencer Road, Gloucester Point, said he entered into an arrangement several years ago with Alltel and located a 148-foot-tall tower at the Peninsula Hardwood Mulch site. He did not understand why no one had contacted him about co-locating on the existing Alltel tower, which he said is one-quarter mile closer to Route 17 than Dare Elementary School.

There were no others who wished to speak, and **Chair Ptasznik** closed the public hearing.

Mr. Hamilton questioned the necessity of another tower because the one at Peninsula Hardwood Mulch (PHM) is less than four miles from the Wendy's connection.

Mr. Abel asked if the Alltel tower was close enough to the two SprintCom towers off Route 17 to provide the needed coverage and also questioned the distinction between "adequate" and "perfect" siting.

Mr. Carter referred to the applicant's Verifiable Evidence Statement which states that the PHM site is too close to the existing tower behind Wendy's and south of the location needed for the desired coverage. He added that in staff's opinion, County schools and existing Dominion Virginia Power transmission towers are generally the best sites on which to co-locate cellular telephone transmitters.

Mr. Ptasznik spoke of antenna heights and other specifics such as tower footprints, existing tower sites in the vicinity, and did not understand why the PHM site would not be a good location.

Ms. Conner said the staff believed the existing school site was an ideal location to meet the applicant's needs and more desirable than a residential area. She added that revenues that would accrue to the County by co-locating at the school site while creating no liability and maintaining the basic appearance of the existing light pole.

Mr. Abel agreed that the school site was sensible for a pole tower. His greater concern was the multiplicity of tower sites and that each site had to be very specific to serve communications providers' coverage needs. He recommended asking the applicant's representative exactly why the PHM site did not meet his needs.

Chair Ptasznik re-opened the public hearing for Mr. McMillan to respond.

Mr. Curtis McMillan stated the PHM site was too close to Wendy's to accomplish the applicant's objective and a site parallel to Wendy's would not close the gap.

Mr. Abel inquired about the proposed tower height of 137 feet, because that if a future applicant required a taller tower it might make sense to request a taller tower now. **Mr. McMillan** stated the Federal Aviation Administration (FAA) limits the tower height in proximity to airports and, according to a preliminary study, the FAA would permit a maximum height of 137 feet only at the proposed location.

Mr. Ptasznik expressed concern over the proposed height and questioned whether any other user would co-locate on it.

Mr. Barba believed the Commission should assume the applicant and the staff appropriately and adequately researched the relevant issues and move on to recommend approval or denial.

Mr. Ptasznik suggested a revision allowing a height between 137 and 145 feet to give the applicant the option of providing more opportunities for co-location. **Mr. Staton** thought the FAA regulations were based on height above sea level, which was probably the same for the 145-foot-tall tower at Peninsula Hardwood Mulch and a 137-foot-tall tower at Dare Elementary School, given their topography. He proposed ending the discussion.

Mr. Davis moved adoption of proposed Resolution PC05-48.

Resolution No. PC05-48

On motion of Mr. Davis, which carried 6:1 (Mr. Abel dissenting), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT
TO AUTHORIZE A 137-FOOT SELF-SUPPORTING MONOPOLE
COMMUNICATIONS TOWER WITH ASSOCIATED GROUND MOUNTED
EQUIPMENT AT 300 DARE ROAD

WHEREAS, SprintCom, Incorporated has submitted Application No. UP-688-05, which requests a Special Use Permit pursuant to Section 24.1-306 (Category 17, No. 7) of the York County Zoning Ordinance, to authorize construction of a 137-foot freestanding monopole communications tower with associated equipment on the parcel located at 300 Dare Road (Route 621) and further identified as Assessor's Parcel No. 30-2 (GPIN S06b-2936-4399); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application; and

WHEREAS, the Commission has determined, pursuant to Section 15.2-2232 of the Code of Virginia, that the proposed communication tower location is substantially in accord with the York County Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 14th day of December, 2005 that Application No. UP-688-05 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize construction of a 137-foot freestanding monopole communications tower with associated equipment on the parcel of land located at 300 Dare Road (Route 621) and further identified as Assessor's Parcel No. 30-2 (GPIN S06b-2936-4399), subject to the following conditions:

1. This use permit shall authorize the construction of a freestanding monopole communications tower with associated equipment on the parcel of land located at 300 Dare Road (Route 621) and further identified as Assessor's Parcel No. 30-2.
2. The height of the tower shall not exceed 137 feet.
3. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the County prior to commencement of land clearing or any construction activity on the subject property. Except as modified herein, said plan shall be substantially in conformance with the sketch plan submitted by the applicant titled "Sprint, Dare Elementary, 300 Dare Road, Yorktown, VA," Sheets T-1, Z-1, Z-1A, Z-2 and Z-3, dated 09/29/05 and revised 10/25/05 and 11/01/05, prepared by Fullerton Engineering Consultants, Inc. and received by the Planning Division November 8, 2005. As part of the site plan submittal, the applicant shall prepare a frequency intermodulation study to determine the impact on current communication transmissions for the York County Departments of Fire and Life Safety and General Services, Sheriff's Office, School Division, and the Intrac Sewer Telemetry System. Should any equipment associated with this facility at any time during the operation of the tower be found by the County to cause interference with County communications, the applicant shall be responsible for the elimination of said interference within twenty-four (24) hours of receipt of notice from the County.
4. Construction and operation of the tower shall be in conformance with the performance standards set forth in Sections 24.1-493 and 24.1-494 of the Zoning Ordinance.
5. The applicant shall submit to the County a statement from a registered engineer certifying that NIER (nonionizing electromagnetic radiation) emitted from the tower does not result in a ground level exposure at any point outside such facility that exceeds the maximum applicable exposure standards established by any regulatory agency of the U.S. Government or the American National Standards Institute.
6. A report from a registered structural or civil engineer shall be submitted indicating tower height and design, structure installation, and total anticipated capacity of the structure

(including number and types of users that the structure can accommodate). These data shall satisfactorily demonstrate that the proposed tower conforms to all structural requirements of the Uniform Statewide Building Code and shall set out whether the tower will meet the structural requirement of EIA-222E, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."

7. The access easement shown on the above referenced sketch plan shall be established for the benefit of tower users for purposes of ingress, egress, and installation and maintenance of utilities associated with the proposed telecommunications facility prior to site plan approval.
8. Advertising and signage on the tower shall be expressly prohibited, except for warning signs associated with the operation of the tower or its equipment.
9. Prior to site plan approval, the applicant shall submit written statements from the Federal Aviation Administration, Federal Communications Commission, and any other review authority with jurisdiction over the tower, stating that the proposed tower complies with regulations administered by that agency or that the tower is exempt from those regulations.
10. Evergreen planting material shall be installed for screening surrounding the facility as shown on the above referenced sketch plan Sheet Z-2 and pursuant to Section 24.1-240 ET. Seq.
11. If at any time use of the communications tower ceases, the owner of the subject property on which the tower is located shall dismantle and remove it within six (6) months after ceasing to use it, unless:
 - (1) A binding lease agreement or letter of intent with another wireless communications provider has been executed in which case an additional six (6) months shall be granted. If a letter of intent is provided, the execution date for a binding lease agreement shall not extend more than (12) months beyond the time the use of the tower ceases, or
 - (2) The County requests, in writing, that the tower be reserved for County use.
12. Accessory facilities shall not include offices, vehicle storage, or outdoor storage unless permitted by the district regulations.
13. Evidence shall be provided prior to receipt of a building permit that the Virginia State Corporation Commission has been notified that a communication facility is to be constructed.
14. The proposed 8-foot chain link fence surrounding the facility shall be outfitted with opaque material deemed acceptable for screening purposes by the Zoning Administrator.
15. The communication tower shall be gray in color. Should Federal Aviation Administration requirements dictate special markings, tower lighting shall be used in lieu of multi-color

- painting. If painting is required, a tower maintenance plan shall be submitted to and approved by the County.
16. No microwave dishes, conical shaped antennae, or other dish shall be permitted on the tower.
 17. The communications tower shall be structurally designed to accommodate no fewer than three (3) wireless users capable of supporting either PCS or cellular antenna arrays. If space is available, the County shall have the right of first refusal for leasing a space on the tower to place an antenna in support of operations consistent with the County's Department of Fire and Life Safety.
 18. A Natural Resources Inventory, including a Perennial Stream Determination, must be performed in accordance with Section 23.2-6 of the County Code by the Developer prior to any land disturbance or development (construction of the cell tower and appurtenances). If a perennial stream is determined, then a 100-foot Resource Protection Area (RPA) buffer must be placed landward of the stream and any adjacent wetlands and installing the proposed tower and appurtenances within the RPA will require an exception from the York County Chesapeake Bay Board.
 19. A written statement from Musco Lighting (the supplier of the baseball field lighting system) is required detailing that there will be no detrimental effects on Musco Lighting's manufacturer warranty for the lighting system prior to site plan approval.
 20. Written verification and a lighting drawing from a Musco Lighting representative will be submitted before site plan approval showing that the same lighting levels (foot candles) are provided on the field upon completion of the proposed tower.
 21. Construction of the proposed tower shall occur only during the following times: November 1st through February 28th or August 1st through 31st. Completion of the tower must take place during these time periods and all lighting must be working and approved by the York County Division of Parks and Recreation.
 22. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval.

Application No. UP-689-05, Wanda W. Walls: Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 2, Number 6) of the York County Zoning Ordinance, to authorize a private kennel on a 1.52 acre parcel of land located at 114 Harrod Lane (Route 678) and further identified as Assessor's Parcel No. 24-58. The property is zoned R20 (Medium density single-family residential) and the Comprehensive Plan designates this area for General Business and Medium-Density Residential development.

Earl Anderson, AICP, Planner, presented a summary of the staff report to the Commission dated November 30, 2005, in which the staff recommended approval.

Mr. Barba asked if the lot next to the applicant's property will be developed and **Mr. Anderson** told him a building permit had been requested for that adjacent lot. However, because the applicant for the permit did not own the lot a Stop Work order was issued in April 2005 and no activity has occurred on the lot since then. If built, the house on that lot would still have a distance of more than 150 feet from the proposed kennel.

Mr. Anderson noted that on his site visit he had heard no barking beyond the Walls residence.

Mr. Abel asked if any complaints about barking dogs at the applicant's address had been registered with the County, and **Mr. Anderson** replied there had been none recently nor in the past.

Ms. Wanda W. Walls, 114 Harrod Lane, stated the application was to allow her dogs and those owned by her daughter, Adrienne Isham, who shares her home and owns four dogs, to be kenneled at the address. **Ms. Walls** said she is a member of several AKC kennel clubs, has attended breeding seminars and taught handling classes, and she and Ms. Isham breed and show AKC-registered Shetland sheep dogs and Australian shepherds. She is applying for the Special Use Permit in order to comply with County regulations, which she had not known about in the past.

Ms. Walls said she was compliant with County regulations and aware of Yorktown Library hours and its special events, such as book sales, and allowed her dogs out for only short periods during such times so as not to disturb Library activities.

Ms. Walls requested amendment to proposed Conditions No. 4 and 5 to allow training of one dog at a time outside the designated dog run and to permit up to four dogs in the dog run at any time of the day. She noted that the County Code allows ownership of up to four dogs without a Special Use Permit. She explained it would be a hardship to confine dogs inside during the hours proposed and requested permission to let up to four dogs out at any time.

The applicant's complete statement is attached to and made a part of these Minutes.

Mr. Barba asked if Ms. Walls worked outside the home. She said that she, her husband, and daughter all are employed outside the home but at different hours so someone is home almost all the time.

Chair Ptasznik opened the public hearing.

Mr. Charles Marshall, Jr., 8 Holloway Road, Newport News, stated that he owns the property at 216 Harrod Lane on which he wants to build a house. He posed a question to the Commission whether the members would want 15 dogs living next door to them. **Mr. Abel** asked the speaker if he would want that and **Mr. Marshall** said "no."

Chair Ptasznik closed the public hearing.

Ms. Conner was in favor of approval. She stated from her own experience that a kennel could be well maintained and well run. She also favored the applicant's request to amend Conditions 4 and 5, adding that it is unrealistic to expect dogs to stay indoors for an 11-hour period and that individual dog training needs to be undertaken outside the run and away from the other dogs.

Mr. Barba agreed that the house is well maintained and the staff presented a good case, but 15 is a large number of dogs for a residentially zoned area.

Mr. Abel agreed, but pointed out it was the number of dogs that triggered the application. He believed it was reasonable to allow the requested revisions because it would make little sense to limit the applicant's dogs to less time outdoors than any County resident who owns only four dogs.

Mr. Hamilton moved adopting proposed Resolution No. PC05-49(R), revising Conditions 4 and 5.

Resolution No. PC05-49(R)

On motion of Mr. Hamilton, which carried 6:1 (Mr. Barba dissenting), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT
TO AUTHORIZE A PRIVATE KENNEL AT 114 HARROD LANE (ROUTE 678)

WHEREAS, Wanda W. Walls has submitted Application No. UP-689-05 requesting a Special Use Permit, pursuant to Section 24.1-306 (Category 2, Number 6) of the York County Zoning Ordinance, to authorize a private kennel on 1.52 acres of land located at 114 Harrod Lane (Route 678) and further identified as Assessor's Parcel No. 24-58 (GPIN Q09D-3368-1325); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 14th day of December, 2005, that it does hereby transmit Application No. UP-689-05 to the York County Board of Supervisors with a recommendation of approval to authorize a private kennel on 1.52 acres of land located at 114 Harrod Lane (Route 678) and further identified as Assessor's Parcel No. 24-58 (GPIN Q09D-3368-1325) subject to the following conditions:

1. This use permit shall authorize the establishment of a private kennel on 1.52 acres of land located at 114 Harrod Lane (Route 678) and further identified as Assessor's Parcel No. 24-58 (GPIN Q09D-3368-1325).

2. The private kennel shall be limited to a maximum of fifteen (15) dogs that are six (6) months or older in age and weigh less than fifty (50) pounds. No commercial kennel operation, such as overnight boarding, training, or renting shall take place on the property.
3. The fifteen (15) dogs shall be licensed according to York County requirements and confined to the property.
4. Outside activity for more than four (4) dogs at a time shall be limited to the designated run area specified in the applicants letter "October 16, 2005, Re: Request for Special Use Permit, Planning Division of York County" and on the sketch plan titled "Sketch Plan for Q09d-3368-1325" prepared by the applicant and submitted to the York County Planning Division on October 17, 2005. The designated run area will be cleaned daily to remove animal waste. The designated run shall be treated to control pests a minimum of twice a year.
5. Any more than four (4) dogs at a time shall be restricted to outside activity Monday through Sunday only during the hours of 7:00 AM to 9:00 AM, 2:00 PM to 5:00 PM, and 6:00 PM to 8:00 PM.
6. The property owner shall admit, or cause to be admitted, to the property at any reasonable time, with or without prior notice, Zoning and Code Enforcement staff or any designee of the County Administrator for the purpose of monitoring compliance with the conditions of this permit.
7. The private kennel Special Use Permit shall expire upon the occurrence of either of the following:
 - a. Transfer of ownership of the land by any means to anyone other than the applicant.
 - b. Termination of residence by the applicant at 114 Harrod Lane, Yorktown, Virginia.
8. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

NEW BUSINESS

Mr. Hamilton moved adoption of proposed Resolution No. PC05-51, "A Resolution to Adopt the Planning Commission Schedule for 2006."

Resolution No. PC05-51

On motion of Mr. Hamilton, which carried 7:0, the following resolution was adopted:

A RESOLUTION TO ADOPT THE PLANNING COMMISSION SCHEDULE FOR
2006

WHEREAS, the Planning Commission is required by Section 15.2-2214 of the Code of Virginia to fix the time for regular meetings; and

WHEREAS, the Commission designates the second Wednesday of every month as its regular meeting date; and

WHEREAS, the Commission desires that all matters to come before it are scheduled in an orderly and consistent manner;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this 14th day of December, 2005, that it does hereby adopt the Planning Commission Schedule 2006 as its official meeting calendar.

PLANNING COMMISSION SCHEDULE January 1 - December 31, 2006				
PLANNING COMMISSION			BOARD OF SUPERVISORS	
<i>PC Meeting 2006</i>	<i>Deadlineⁱ</i>	<i>Advertise PC</i>	<i>Probable BOS Meeting 2006</i>	<i>Advertise BOS</i>
Jan 11	Dec 1, 2004	Dec 27 ³ & Jan 3	Feb 21	Feb 6 & 13
Feb 8	Jan 3	Jan 24 & 31	Mar 21	Mar 6 & 13
Mar 8	Feb 1	Feb 21 & 28	Apr 18	Apr 3 & 10
Apr 12	Mar 1	Mar 28 & Apr 4	May 16	May 1 & 8
May 10	Apr 3	Apr 25 & May 2	Jun 20	Jun 5 & 12
Jun 14	May 1	May 30 ³ & Jun 6	Jul 18	Jul 3 ³ & 10
Jul 12	Jun 1	Jun 27 & Jul 4	Aug 15	Jul 31 & Aug 7
Aug 9	Jul 3	Jul 25 & Aug 1	Sept 19	Sep 4 ³ & 11
Sep 13	Aug 1	Aug 29 & Sep 5	Oct 17	Oct 2 & 9

Oct 11	Sep 1	Sep 26 & Oct 3	Nov 21	Nov 6 & 13
Nov 8	Oct 2	Oct 24 & 31	Dec 19	Dec 45 & 11
Dec 13	Nov 1	Nov 28 & Dec 6	Jan 16, 2007	Jan 1 ³ & 8, 2007
Jan 10, 2007	Dec 1	Dec 26 ³ & Jan 2	Feb 20	Feb 5 & 12
<p>¹ Application for or amendment to a Planned Development requires a month longer to process <i>and therefore must be submitted two (2) months</i> before Planning Commission public hearing.</p> <p>² Assuming action by the Planning Commission and placement on the Board agenda.</p> <p>³ Holiday advertising schedule (staff submit early)</p> <p><i>Planning Commission meetings at York Hall, 301 Main Street, Yorktown, Virginia, at 7:00 PM. Board of Supervisors meetings call to order at 6:00 PM & public hearings commence at 7:00 PM.</i></p>				

OLD BUSINESS

Ms. Conner advised that the large storage containers discussed during a previous meeting had been removed from the lot on Back Creek Road and thanked Mr. Carter for his assistance in that matter.

- **Proposed Bylaws and Revisions**

The members addressed the proposed revisions to the Planning Commission Bylaws. Discussion ensued to clarify procedures for resolving tie votes. Messrs. Carter and Barnett explained that the Commission could accept a tie vote and forward it to the Board, demonstrating the members were unable to reach a decision as to recommending approval or denial. Or, an issue resulting in a tie vote could be reconsidered and voted on again as long as a member who had initially voted for defeat moved to reopen the motion for discussion. Mr. Carter further noted that denial of a resolution “to recommend approval” meant simply that the Commission did not recommend approval but neither was it clearly a recommendation of denial and it would simply be reported to the Board as a tie vote. A follow-up motion to recommend denial, however, could resolve any question if a recommendation to deny was the intent of the Commission. It was noted that the draft procedure language was simply a re-statement of the procedures set out in Robert’s Rules of Order, Revised.

Mr. Ptasznik recommended rephrasing for clarity the language of Sec. 1(a). The other members discussed this and agreed that Sec. 1(a) was clearly phrased.

Mr. Barba moved approval of the proposed revisions to the Planning Commission Bylaws. The revised Bylaws are attached to the Minutes.

Resolution No. PC05-52

On motion of Mr. Barba, which carried 6:1 (Mr. Ptasznik dissenting), the following resolution was adopted:

**A RESOLUTION TO AMEND THE BYLAWS OF THE YORK COUNTY
PLANNING COMMISSION**

WHEREAS, the Planning Commission adopted Bylaws on April 9, 1996; and

WHEREAS, it is the desire of the Commission to make certain amendments to the Bylaws as provided in Article XII.

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this 14th day of December, 2005, that it does hereby adopt the Bylaws as amended.

STAFF REPORTS

Mr. Carter thanked all of the members and staff that worked diligently on the Comprehensive Plan, "Charting the Course to 2025," and noted that it had been approved by the Board of Supervisors.

Mr. Carter congratulated Mr. Earl Anderson on his successful completion of the American Institute of Certified Planners (AICP) exam, which qualifies him as a member of the AICP.

Mr. Carter distributed the "Development Activity Update" for December 14, 2005.

COMMITTEE REPORTS

Mr. Ptasznik announced that he and Mr. Abel were asked to serve on the Economic Development Authority's Mixed Use Development Committee.

COMMISSION REPORTS AND REQUESTS

Mr. Abel announced his completion of the Certified Planning Commissioners Program of the Citizens Planning Education Association of Virginia. He said comments during the classes and by other students indicated to him that the Commission has the benefit of a qualified and supportive staff and is doing everything the way that it should be done.

ADJOURN

The meeting was adjourned at 8:17 p.m.

SUBMITTED:

Phyllis P. Liscum, Secretary

APPROVED:

Alfred E. Ptasznik, Jr., Chair

DATE: _____